

HARPER-MADISON AMENDMENTS

Item 40, June 3rd Agenda

(Note: revisions are in response to proposed CM Kitchen amendments)

Amendment 1 – Line 139-140:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council directs the City Manager to contribute actively to the ongoing studies, in partnership with Capital Metro, to help ensure the study outcomes serve as a guide for revising the City’s existing TOD process and station area plans, as well as providing recommendations to initiate relevant land use amendments **in the eTOD Study area, areas designated as TODs, and high-capacity transit areas.**

Rationale for Alternate Amendment 1:

It is agreed that any recommended land use amendments are not intended for all areas of the city and that should be limited to only relevant Capital Metro transit areas.

It is anticipated that Capital Metro will provide recommendations for land use amendments that will be informed by the eTOD studies, any future eTOD studies, the Green Line study, and the updated TOD Toolkit. These recommended land use amendments could apply both to station areas and along certain corridors.

This be-it-resolved is intended to ensure that our city staff works alongside Capital Metro during this process to ensure that our mutual timelines are aligned and the City will be prepared to implement recommendations at the time they are made. With the proposed language change here, we’re looking to safeguard against unintentionally excluding city staff from working with Capital Metro on certain critical aspects of their plan.

Amendment 2 – Line 148:

BE IT FURTHER RESOLVED:

The results of the studies and additional analysis shall inform the creation of a citywide eTOD Policy Plan to update the City’s existing ordinances and processes, which shall be presented to Council for consideration and adoption. The eTOD Policy Plan should be an action-oriented policy document, providing options for reconciling and updating the City’s various TOD-related Code, policies, action items, and plans. The eTOD Policy Plan shall serve to both measure the success of the City’s policies to encourage development near transit corridors **and in areas currently designated as TODs**, and to explore opportunities to further support transit, affordable housing, and equitable development through transit-oriented development.

Rationale for Alternate Amendment 2:

In recent years, Capital Metro has had to make the difficult decision to cut or alter several low-ridership routes, costing many District 1 residents, as well as residents of other districts across the city, access to the transit service they depended upon to get to school, work, health care providers, grocery stores, and countless other critical services. The intent of this section is to evaluate our existing policies that determine transit outcomes across Austin and to produce recommendations for revisions that could prevent future disruptions and/or create conditions that could reinstate service in areas that have lost it. Because the Project Connect investments have yet to be made, are limited in geographic scope, and are part of a larger regional transit network, we should not limit our transit-supportive intent to these investments alone.

Amendment 3 – Line 227:

BE IT FURTHER RESOLVED:

The City Manager is directed to participate in and support the eTOD Study’s community engagement efforts, and create additional opportunities for citywide community engagement, as necessary and in partnership with Capital Metro. **Community engagement shall include ~~including~~ a sufficient public comment period and, where applicable, aligned with the process for developing neighborhood-level strategies that will guide antidisplacement funding as required by the Contract with the Voters (Resolution No. 20200807-003), to ensure impacted people and stakeholder groups are included. Community engagement results shall be shared to**

~~and~~ further inform the study recommendations and ~~eventual~~ proposed eTOD Policy Plan, ~~areas proposed for TOD designation, and Station Area planning process.~~

Rationale for Alternative Amendment 3:

The intent of this resolution, including this be-it-resolved, is to ensure that Capital Metro and the City are working in conjunction with each other and do not unnecessarily duplicate each other's work, including in the area of community engagement. The District 1 office worked closely with both city staff and Capital Metro to make clear our intent to create a collaborative, complementary community engagement process. Maintaining the "as necessary" language avoids any inference that city staff must conduct a separate, potentially duplicative community engagement process or study.

The language concerning the Contract with the Voters has been changed to accurately reflect what is stated in Resolution No. 20200807-003.

While the desire to telescope the planning process down to the neighborhood-level is appreciated, the intent of this resolution is to have equitable processes that produce equitable outcomes. Neighborhood power structures are largely dominated by single-family homeowners who are generally older and wealthier than the median resident of our majority-renter city. Without all voices at the table, we end up with systems that reinforce economic segregation and perpetuate the feedback loop of institutionalized poverty.

Social justice requires the examination of both the positive and negative impacts of community investment on all community members so that underrepresented residents or communities are unfairly disadvantaged. To achieve this outcome, the planning process will need to be done on broader, more holistic level.

A key aspect of this resolution is to review and potentially update our existing TOD processes. It is preferred that the language in the resolution maintains the flexibility to accommodate a revised process.

Capital Metro intends to make recommendations on station area locations and land development code amendments after the completion of its study. It is not the intent of this resolution to interfere with Capital Metro's study or processes, and therefore maintaining the word "further" is preferred.

Amendment 4 – Line 237:

BE IT FURTHER RESOLVED:

The City Manager is directed to bring forward an FY 2022 baseline budget that includes resources necessary to support both the city’s coordination with the ongoing study and the development of the eTOD Policy Plan, and relevant land use planning and community engagement **processes**. This may include hiring additional staff, a consultant to assist in the development of the **proposed** eTOD Policy Plan, a consultant to assist with community engagement, or other elements of this resolution.

Rationale for Alternative Amendment 4:

We are in agreement that we need to move as quickly as possible.

In 2005-2006 we established nine TOD locations in our city. In the 16 years since, only three have completed our two-phase process. This suggests a review of our existing process, and potential revision of those processes, is in order.

It is imperative that our processes allow us to move much faster if we want to get ahead of the market and not lose opportunities to create and preserve affordable housing along transit corridors and station areas.

The intent of this resolution is to *not* have the City wait until after Capital Metro completes their study (estimated to be completed in around 14 months), and instead have the City work concurrently on its planning process alongside Capital Metro, so that the City is prepared to implement forthcoming recommendations at the time they are presented to Council.

A key aspect of this resolution is to review and potentially update our existing TOD processes. It is preferred that the language in the resolution maintains the flexibility to accommodate a revised process.

I have concerns that the language “including initiation of station area and regulating planning processes for the highest priority areas the Council designates as TODs” moves into a direction that interferes and could potentially conflict with CapMetro’s process. However, “relevant land use processes” is broad enough that provides the flexibility to include budgetary considerations for those processes, and budgetary action regarding initiation of station area designation is included in the be-it-resolved outlined in Amendment 5 below.

Alternative Amendment 5 -New addition after Line 244:

BE IT FURTHER RESOLVED:

The City Manager shall bring forward for Council consideration during the FY 2022 budget adoption process the necessary action to initiate the station area and regulating planning processes and designation as a TOD for the highest priority areas along the Project Connect light rail, commuter, and MetroRapid corridors. In proposing these areas, the City Manager shall coordinate with Capital Metro to align with the Project Connect implementation schedule and prioritize areas such that station area and regulating plan processes can be completed with the Project Connect implementation processes.

Rationale for Alternative Amendment 5:

Added language to ensure the land use planning work is in coordination with and does not conflict with Capital Metro's implementation and planning processes. Language struck for grammatical purposes.

Amendment 6 – Line 151 to 225:

[Note: All this was struck in version 4, the red underlined language indicates amendments to the original language that has now been struck]

BE IT FURTHER RESOLVED:

The eTOD Policy Plan should provide recommendations on how to achieve the following goals:

- a. Identify methods to address potential displacement of residents, small businesses, cultural institutions, and community organizations from transit induced pressures, advance transit opportunities to existing communities, and ensure that housing near transit remains available to as many people as possible;

- b. Encourage the creation of diverse housing options near transit that is accessible at every income level, accommodates all ages, and prioritizes affordable housing;
- c. Incentivize housing options for families of many sizes and various income levels around station areas and high-capacity transit, provides social and economic opportunity for current and future residents, and increases access to employment, health and educational centers. Encourage a variety of housing choices near transit facilities to accommodate a wide range of ages, incomes, and access accommodations needed for people with disabilities;
- d. Provide entitlements that increase housing capacity and maximize affordable housing opportunities to further the Austin Strategic Housing Blueprint Goals;
- e. Explore additional opportunities for funding affordable housing such as tax increment financing;
- f. Encourage and incentivize the development of flexible, affordable commercial space to ensure local businesses, nonprofits, and creative organizations can remain in their communities;
- g. Promote sustainable economic activity that supports the immediate area and the city as a whole;
- h. Promote equitable planning efforts, centering racial and economic equity, in all aspects of the policy, including surveying opportunities for future equity assessments;
- i. Provide opportunities for enacting right to stay and right to return policies;

- j. Recognize that all TODs have their own circumstances and are not the same; each development is located within its own unique context and serves a specific purpose in the larger context. Each TOD's specific development typologies are currently based on Station Area and Regulating Plans developed through the Code's planning processes;
- k. Explore the possibility of creating different development typologies that respond to local market and community conditions;
- l. Disincentivize the use of single-occupancy vehicles through travel demand management and responsible land use practices that support the multimodal transportation context, such as unbundled parking, eliminating parking requirements, and/or establishing parking maximums. Promote development strategies that focus on accommodating pedestrians, including people with disabilities, without excluding people traveling by vehicle. Consider creative parking strategies to allow the accommodation of vehicles without dividing a site such that parking is the dominating design factor;
- m. Support future expansion plans of the existing street network and Project Connect while providing enhanced walkable connections to and within surrounding neighborhoods;
- n. Create compact development with sufficient density to support transit ridership located within walking distance of transit stops;

- o. Encourage active and livable places that serve our daily needs and provide people with a sense of belonging and ownership within their community;
- p. Seek to incorporate retail into development, if viable at a particular location, ideally drawing customers from within the TOD and from major streets;
- q. Strive to make TODs realistic yet economically viable and valuable from a diversity of perspectives (city, transit agency, developer, resident, employer);
- r. Identify methods to support Project Connect investments through development;
- s. Align policies with the Project Connect equity, anti-displacement, and Community Advisory Committee processes and recommendations, including the process for developing neighborhood-level strategies that will guide anti-displacement funding as required by the Contract with the Voters (Resolution No. 20200807-003).
- t. Provide a process to work with Capital Metro during land acquisition to consider how potential excess or surplus property after construction may be used for eTODs, as well as the dedication of proceeds from the disposition of identified excess right of way to provide affordable housing;
- u. Provide recommendations on potential amendments to streamline and simplify City Code to incentivize eTOD projects;
- v. Facilitate effective coordination of City plans and programs between Capital Metro, City departments, and community stakeholders, including complying with the Contract with the Voters (Resolution No. 20200807-003);

- w. Consider compatibility and connectivity with surrounding neighborhoods;
- x. Include engaging, high quality public spaces, such as small parks or plazas, as organizing features and gathering places for the neighborhood; and
- y. Prioritize multifunctional designs on publicly owned land to support maximum delivery of community benefits.
- z. Additional strategies for Council consideration that may further the objectives of this resolution in high-capacity transit areas and areas the Council designates as TODs and develops station-area and regulating plans;

Rationale for Alternative Amendment 6:

This section was initially struck due to the limited amount of time to work through various amendments, and to eliminate what appeared to be confusion concerning the need to keep the goals of this section broad and high-level in order to avoid predetermining the outcomes of the ongoing Capital Metro studies.

This section has been added back-in, and now includes proposed amendments from both CM Kitchen and CM Tovo, with some minor language changes to ensure the goals do not predetermine study outcomes, and item “W” was moved to item “Z” as it is intended to be a concluding “catch-all” item.

(please note: for the purposes of this document, the changes above only reflect proposed amendments from CM Kitchen).